

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Don W. Moon,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.:2:05-2153-TLW-RSC
	)	
Jo Anne B. Barnhart,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	
	)	

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**ORDER**

On July 25, 2005, the plaintiff, Don. W. Moon, brought this action pursuant to Sections 205 (g) and 1631 (c)(3) of the Social Security Act, as amended (42 U.S.C. §§ 405 (g) and 1381 (c)(3)) to obtain judicial review of a final decision of the Commissioner of Social Security denying the plaintiff's claims for disability insurance benefits and supplemental security benefits under Titles II and XVI of the Social Security Act, respectively. (Doc. #1).

This matter now comes before this Court for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Robert S. Carr, to whom this case had previously been assigned. (Doc. #14). In the Report, Magistrate Judge Carr recommends that the decision of the commissioner be affirmed. (Doc. #14). The plaintiff filed objections to the Report on June 16, 2006. (Doc. #15). Defendant filed a reply to the objections on June 28, 2006. (Doc. #16). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the

magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report *de novo*. After careful review of the Report and objections thereto, the Court accepts the Report. (Doc. #14). Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #14).

**IT IS SO ORDERED.**

s/Terry L. Wooten

Terry L. Wooten  
United States District Judge

March 14, 2007  
Florence, South Carolina